

REVISED CHARTER
OF THE
CITY OF MANISTEE
MICHIGAN

COMMISSION—MANAGER PLAN



ADOPTED FEBRUARY 20th, 1922

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REVISED CHARTER OF THE CITY OF MANISTEE, MICHIGAN

COMMISSION—MANAGER PLAN

Adopted February 20th, 1922
Compiled in Pamphlet Form June, 1922

COMMISSIONERS AND OFFICERS

COMMISSIONERS

J. H. RADEMAKER, Mayor. Term expires May 1, 1924
SOREN CHRISTOFFERSON, Term expires May 1, 1923
P. N. JACOBSON, Term expires May 1, 1924
H. F. MERTENS, Term expires May 1, 1923
ROBT. C. MILLER, Term expires May 1, 1924
SOREN P. NIELSEN, Term expires May 1, 1923
S. C. THOMPSON, Term expires May 1, 1924

OFFICERS

JOHN SHIELDS, City Manager
JNO. S. WATSON, City Clerk
G. T. SWANSBY, City Treasurer
HOWARD L. CAMPBELL, City Attorney
HOMER A. RAMSDELL, M. D., Health Officer
A. G. HOEKSEMA, V. S., Milk Inspector
CARL E. BROWN, Clerk, Water Dept.

Wm

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Revised Charter of the City of Manistee

Commission—Manager Plan

Adopted February 20, 1922

Preamble: We, the people of Manistee, under the constitution of the State of Michigan, do ordain and establish this Charter for the City of Manistee.

ARTICLE I

GENERAL PROVISIONS—NAME AND BOUNDARIES

Sec. 1. The Municipal corporation now existing, known as the City of Manistee, and including so much of the County of Manistee as is contained in the following description, to-wit: That portion of Section One (1) west of Manistee Lake, entire Sections Two (2), Ten (10), Eleven (11) and Twelve (12); Lots Two (2) and Three (3) of Section Thirteen (13); North East Quarter ($\frac{1}{4}$) of the North West Quarter ($\frac{1}{4}$) of the North East Quarter ($\frac{1}{4}$) of said Section Thirteen (13); all in Town Twenty-one (21) North, Range Seventeen (17) West; also Lot Seven (7) of Section Eighteen (18), Town Twenty-one (21) North, Range Sixteen (16) West, also all that portion of Manistee Lake lying eastward of and adjoining said lands and within fifty (50) rods of the West shore of said lake; shall remain and continue to be a body politic and corporate under the same name, with power and authority to change its boundaries in manner authorized by law.

POWERS, RIGHTS AND LIABILITIES

Sec. 2. (a) By the Name of the City of Manistee, the City shall have perpetual succession and shall own, possess and hold all property, real and personal theretofore owned, possessed or held by the City of Manistee.

(b) Shall succeed to all the rights and liabilities and shall acquire all benefits, and shall assume and pay all bonds and obligations of said City of Manistee; by that name may have and use a common seal and alter the same at pleasure; may sue and be sued, contract and be contracted with; may purchase, receive, hold and enjoy real and personal property for purposes for which it is incorporated, or may sell and dispose of the same.

(c) The Legislative and Executive Powers of the City shall extend to all matters of local and Municipal Government, it being the intent hereof that the specifications of, particular powers by any other provision of this Charter, shall never be construed as impairing the effect of the general grant of powers of local government bestowed upon cities.

(d) The City shall have all powers, privileges and functions which, by or pursuant to the Constitution of this State, or by Legislative Enactment, have been or may be granted to or exercised by Cities of this State.

(e) All processes against the City shall run against the City in the corporate name thereof, and may be served by leaving a certified copy with the Mayor, City Clerk or City Attorney.

WARD AND DISTRICTS

Sec. 3. (a) There shall be but one ward in the City of Manistee. The City, however, shall be divided into the following districts:

The First District shall include all that portion of the City described as follows:

Lots Two (2), Three (3), Four (4) and Five (5) of Section One (1)); Lots One (1) and Two (2) and the North East Quarter ($\frac{1}{4}$) of the South East Quarter ($\frac{1}{4}$) of Section Two (2) and Lot Five (5) of Section Twelve (12).

The Second District shall include all that portion of said City described as follows:

Lots Three (3) and Four (4) and the South One Half ($\frac{1}{2}$) of the South East Quarter ($\frac{1}{4}$) of Section Two (2) and Lots One (1) and Two (2) of Section Eleven (11); that portion of Lot Three (3), Section Eleven (11), lying North of the Channel of the Manistee River.

The Third District shall include all of Sections Ten (10) and Eleven (11) lying south of the channel of the Manistee River.

The Fourth District shall include all that portion of said City described as follows:

Lot Six (6) of Section One (1) and Lot One (1) of Section Twelve (12).

The Fifth District shall include all that portion of said City described as follows:

Lot Two (2) and the South West Quarter ($\frac{1}{4}$) of the North West Quarter ($\frac{1}{4}$) of Section Twelve (12).

The Sixth District shall include all that portion of said City described as follows:

Lot Three (3) except that portion lying East of Kosciusko Street and South West Quarter ($\frac{1}{4}$) of Section Twelve (12).

The Seventh District shall include all that portion of said City described as follows:

Lot Four (4) of Section Twelve (12), Lots Two (2) and Three (3) of Section Thirteen (13), Lot Seven (7) of Section Eighteen (18), that portion of Lot Three (3) of Section Twelve (12) lying East of the center line of Kosciusko Street and the North East Quarter ($\frac{1}{4}$) of the North West Quarter ($\frac{1}{4}$) of the North East Quarter ($\frac{1}{4}$) of Section Thirteen (13).

(b) Each District shall constitute a voting precinct, providing that the Commission may by Ordinance divide a District into two or more precincts.

(c) Judicial Notice shall be taken in all courts and proceedings in this State of the existence of the City of Manistee, as incorporated under this Charter, and of all changes at any time made in the corporate limits of the City by the annexation of territory thereto or otherwise, and of the boundaries of all districts, and of all changes made at any time in the boundaries of any district in the City, or in any precinct within said district.

ARTICLE II

REGISTRATION, NOMINATION AND ELECTIONS

Sec. 1. The registration of voters, nomination and elections held under this Charter shall be in accordance with the general laws of the State, ex-

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cept as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registration, nominations and elections held hereunder. The residence of the elector shall be in the election precinct in which is located his regular place of lodging.

Sec. 2. The registration and re-registration of voters shall be made by the City Registration Board which shall consist of the City Clerk and the City Treasurer of the City of Manistee, in accordance with the provisions therefor in the general laws of the State.

Sec. 3. The mode of nomination and election of all elective officers of the City to be voted for at any Municipal Election shall be as follows, and not otherwise:

The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Sec. 4. Each Petition of Nomination shall contain the name of candidate, giving his place of residence with street and number, if any, and shall specify the office for which he is nominated. Each elector signing such petition shall add to his signature his place of residence, giving his street and number, or other description sufficiently to identify the same, and the date on which he signed. No elector shall sign the Nomination Petition of more than one candidate for the same office, nor in case there are several places to be filled in the same office, sign more petitions for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting petitions, his name shall be stricken from all such petitions signed by him. To each Petition of Nomination there shall be attached an affidavit of the circulator thereof stating that each signature appended thereto was made in his presence, and is the genuine signature of the person whose name it purports to be.

Sec. 5. Each petition of nomination to be valid shall contain the names of twenty-five qualified electors of the City of Manistee or of the District where the candidate resides, if such nomination is required to be made by the electors of such District. No such petition shall be circulated more than 45 days prior to the day of election and all such petitions shall be filed with the City Clerk not less than 30 days prior to the day of said election.

Sec. 6. At least ten days before any election the commission shall appoint two electors of each precinct, who with the Supervisor of such precinct, shall constitute a Board of Election Inspectors for said precinct for said election, provided that if the person holding the office of Supervisor is a candidate for any office at said election or if there is no Supervisor residing within the precinct or for any cause he is unable to serve, the Commission, in addition shall appoint an elector residing in said precinct to take the place of said Supervisor.

Sec. 7. If the Commission shall fail to appoint the Election Inspectors or in case any person so appointed fails or is unable to attend said election the voters present at the organization of the polls shall select the person for the place left vacant as aforesaid.

Sec. 8. There shall also be the City Election Board, which shall consist of the Clerk Treasurer and one elector to be appointed by the Commission, who shall be the Chairman of said board.

Sec. 9. The Municipal Election to be held on the first Monday in April,

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in the year 1922, and on the first Monday of April of every year thereafter, shall be known as the General Municipal Election. All other Municipal Elections that may be held by authority of this Charter shall be known as Special Municipal Elections.

Sec. 10. The City Clerk shall cause ballots for each General and Special Municipal Election to be printed, numbered and authenticated, as provided by the Constitution and Laws of the State, except as otherwise required in this Charter. The ballots shall contain the full list and correct names of the candidates nominated therefor.

Sec. 11. All ballots printed shall be identical, so that without the numeral number thereon it would be impossible to distinguish one ballot from another. The names of candidates for each office shall be arranged in alphabetical order of the surnames; nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

Sec. 12. The Commission shall in addition to the other election supplies required by general law furnish each precinct with two poll lists, two statements of votes and three tally sheets.

Sec. 13. On the closing of the polls the precinct election board shall proceed to canvass the vote. The Commission shall cause a police officer, either regular or special, to be at each polling station, before the conclusion of the counting of the votes cast for Municipal Officers, who shall take one of the tally sheets as soon as it is completed by the precinct election clerks and turn it over to the City Election Board, who shall be in session and proceed to complete the counting. The candidate or candidates for any municipal office receiving the highest number of votes shall be declared elected. A tie between two or more candidates shall be determined by lot, under the direction of the City Commission.

Sec. 14. No informalities in conducting Municipal Elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this Charter.

Sec. 15. No candidate for any elective office shall directly or indirectly use or cause to be used in aid of his candidacy on the day of any municipal election; more than one carriage or other vehicle to aid voters to get to the polling places. Such carriages or other vehicles shall be used to transport only those voters who by reason of illness or other infirmity are unable to get to the polling places unless so transported. Any candidate desiring to use the one carriage or other vehicle above mentioned shall, not less than one day prior to the day of election, file in the office of the Clerk a statement of such desire on his part, which shall contain a description of the carriage or vehicle he desires to use as will readily identify the same. No other carriage or vehicle than the one so described in the said statement shall be used by the said candidate or by any committee or association promoting his candidacy for the purpose of conveying voters to the polling places on the day of election.

A violation of any of the provisions of this section by any candidate shall disqualify him from holding the office for which he is a candidate. Every elective officer of the City shall, at the time he takes the oath of office, be

required to take and subscribe an oath that he has not violated any of the provisions of this section.

Sec. 16. The provisions of the State law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all Municipal Elections, provided that the Commission shall convene on Thursday next succeeding each election at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election for the several offices respectively, and, thereupon, the City Clerk shall make duplicate certificates under the corporate seal of the City, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the County Clerk for the County of Manistee, and the other shall be filed in the office of the City Clerk.

ARTICLE III

DIRECT LEGISLATION

THE INITIATIVE

Sec. 1. Any proposed ordinance may be submitted to the Commission by a petition signed by registered electors of the City equal in number to the percentum hereinafter required.

Any initiative petition may be presented in sections, each section containing a full and correct copy of the title and text of the proposed measure. Each signer thereto shall add to his signature his place of residence. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating he is an elector of said City and that all the signatures to the attached sections were made in his presence and that each signature to the petition is a genuine signature of the person signing the same.

Sec. 2. (a) If the petition accompanying the proposed ordinance be signed by electors equal in number to not less than fifteen percentum of the registered electors of the City at the last preceding general municipal election, and containing a request that said ordinance be submitted forthwith to the vote of the people at an election, then the Commission shall either:

(b) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's Certificate of Sufficiency to the accompanying petition (subject to a referendary vote under the provisions of this article,) or

(c) Within twenty-five days after the Clerk shall have attached to the Petition accompanying such ordinance his Certificate of Sufficiency, the Commission shall proceed to call a special election, unless a general municipal election is to be held within ninety days thereafter at which special or Municipal Election said ordinance without alteration shall be submitted to a vote of the people.

Sec. 3. Whenever any ordinance or proposition is required by this Charter to be submitted to the voters of the City at any election the Commission shall order such ordinance or proposition to be printed in one or more newspapers published in the City and published in like manner as ordinances as adopted by the Commission are required to be published.

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Sec. 4. The ballots used when voting upon such proposed ordinance shall contain the words, "For the ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof such ordinance shall thereupon become a valid and binding ordinance of the City.

Sec. 5. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

Sec. 6. There shall not be more special elections held in any one year than provided by the General Laws of the State. A year in this connection to mean the time between the annual general municipal elections.

THE REFERENDUM

Sec. 7. No ordinance passed by the Commission shall go into effect before thirty days from the time of its final passage, except when otherwise required by the General Laws of the State, or, by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of public peace, health or safety which contains a statement of its urgency, and is passed by a majority vote of all the Commissioners elect.

If during said thirty days a petition signed by qualified electors of the City equal in number to at least ten per centum of the registered electors of the City at the last preceding Municipal Election, protesting against the passage of such ordinance, be presented to the Commission, the same shall thereupon be suspended from going into operation and it shall be the duty of the Commission to reconsider such ordinance, and if the same be not entirely repealed the Commission shall submit the ordinance, as is provided in the Sections on the Initiative in this Article, to the vote of the electors of the City, either at the next general municipal election or at a special election to be called for that purpose, if the special elections permitted by the General Laws of the State have not already been had since the last General Municipal Election, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Section One of this Article respecting the forms and conditions of the Petition and mode of verification and filing shall be substantially followed with such modification as the nature of the case requires.

Sec. 8. Any ordinance or measure that the Commission or the qualified electors of the City shall have authority to enact, the Commission may, of its own motion, submit to the electors for adoption or rejection at a General or Special Municipal Election in the same manner and with the same force and effect as is provided in this Charter for ordinances or measures submitted on petition. At any Special Election called under the provisions of this Charter there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

RECALL

Sec. 9. Every officer of the City, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the City. The procedure to effect such removal from office shall be as follows:

(a) A petition signed by qualified electors equal in number to ten per centum of the registered electors of the City at the last preceding Municipal Election, demanding that the term of any elective officer be ended on the first secular day of May following, and demanding an election of a successor of such elective officer, shall be addressed to the Commission and presented to the City Clerk not earlier than sixty (60) days nor later than forty-five (45) days before the regular Municipal Election, and must contain a statement of not more than 200 words, giving the reason for demanding the recall of such officer; provided, that if the petition is signed by qualified electors equal in number to 25 per centum of the registered electors of the City at the last preceding general election it may demand that said recall petition be voted upon at a special election, and in that case the Commission shall cause a special election to be held not earlier than forty-five (45) days nor later than sixty (60) days to determine whether the people will recall said officer; and if said officer fails of re-election he shall be deemed removed from office on completion of the final canvass of the vote thereon.

(b) The provisions of Article Two respecting forms and conditions of the nominating petition and the mode of verification and certification and filing shall be substantially followed with such modifications as the nature of the case requires.

(c) In the published call for election, there shall be presented in not more than two hundred (200) words the reason for terminating the term of the officer as set forth in said petition and in not more than two hundred (200) words, the officer may justify his course in office.

(d) The officer sought to be removed shall be deemed a candidate, and unless he resigns, his name shall be printed on the ballot. The nomination of other candidates shall be in accordance with the provisions of Article Two.

(e) The officer whose term is thus terminated shall, if he does not resign, continue to perform the duties of his office until the first secular day of May following, provided, that if he be re-elected, he need not re-qualify, but shall continue to hold office as before, and provided further, if he be removed at a special election and provisions of Paragraph (a) of this Section shall apply in regard to the termination of his office.

(f) No officer whose term has been terminated as herein provided or who has resigned from such office after a petition asking for the termination of his term has been filed against him, shall be appointed to any office within one year after the date of his resignation.

Sec. 10. No recall petition shall be filed against any officer until he has actually held his office at least three months.

Sec. 11. The Commission may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt and apply the provisions of Article Two hereto.

ARTICLE IV
ELECTIVE OFFICERS

Sec. 1. The elective officers of the City shall be seven (7) Commissioners (including the Mayor); three (3) Assessors; and two (2) Justices of the Peace, each of whom shall be elected at large by the qualified electors of the City.

Sec. 2. In each District a Supervisor and Constable shall be elected.

Sec. 3. The City Commission shall consist of seven (7) members (including the Mayor) who shall be nominated by the District which they are to represent, and who shall be elected on a general ticket by the City at large.

Sec. 4. The Commission, at its first regular meeting in the month of May of each year, shall elect one of its members, Mayor, who shall be the presiding officer and executive head of the City and perform such other duties as are or may be imposed upon him or authorized by the laws of the State or by this Charter.

Sec. 5. The term of the Commissioners shall commence at ten o'clock a. m., on the first secular day of May following their election and shall be for a period of two years and until their successors are elected and have qualified, providing, however, that of the seven Commissioners first elected under this Charter, those elected from the 1st, 3rd, 5th and 7th Districts shall be elected for a period of two (2) years and those from the 2nd, 4th and 6th Districts for a period of one (1) year.

Sec. 6. The Board of Assessors shall consist of three (3) members, one of whom shall be elected annually, for a period of three (3) years. Their term of office shall commence as soon as they have qualified, which shall be within ten (10) days of their election.

Sec. 7. One Justice of the Peace shall be elected every two (2) years for the term of four (4) years. They shall enter upon the duties of their office on the fourth day of July next after their election, provided, however, that all Justices of the Peace of the City at the time this Charter is adopted shall hold their said office until the expiration of their respective terms. A successor to the Justice whose term expires in 1923 shall be elected, and one every two years thereafter.

Sec. 8. The Supervisors and Constables shall be elected for the term of one (1) year. Their term shall commence as soon as the candidates have qualified, which shall be within ten (10) days after their election.

Sec. 9. Vacancies shall exist when an elective officer fails to qualify for ten (10) days after notice of his election; dies; resigns; is removed from office; removes from City; or, if a Commissioner, Supervisor or Constable, from the district from which he was nominated or elected; is convicted of a felony or judicially declared a lunatic as defined by the statute; and may exist at the option of the Commission, if he absents himself continuously from the City for ninety (90) days.

Sec. 10. If a vacancy occurs in any elective office the Commission shall appoint an eligible person to fill such vacancy until the next General Municipal Election. Any vacancy shall be then filled by election for the unexpired term.

QUALIFICATIONS

Sec. 11. No person shall be eligible to any elective office in the City of Manistee, unless he or she be a citizen of the United States and an elector of the City, and, if a Commissioner, Supervisor or Constable, of the District in which he or she desires to be nominated.

(b) No person shall be nominated or elected as a Commissioner of the City unless he or she shall be at least twenty-five (25) years of age and shall have been a resident of the City for at least two (2) years immediately preceding the date of nomination.

Sec. 12. If any person elected to any elective office shall fail to qualify within the time limited therefor by this Charter, such office shall thereby become vacant, provided, however, that the Commission may, upon request and cause shown, extend the time for qualification of any officer for a reasonable period if the interests of the City are not thereby in any manner or to any extent jeopardized.

Sec. 13. All members of the Board of Assessors, all Supervisors and Constables shall qualify for their respective offices within ten (10) days after their election. Each Commissioner elected shall qualify on or before the first secular day of May following his or her election. Justices of the Peace elected for the full term shall qualify on or before the first secular day of July following their election; if elected to fill a vacancy they shall qualify within fifteen (15) days after their election.

Sec. 14. All City officers shall qualify by making and filing with the City Clerk the usual oath of office required by the laws of this State and by furnishing such bond or bonds as shall be required by the laws of this State, or by this Charter or the Ordinances of the City.

Sec. 15. The resignation or removal of any officer or the appointment of his or her successor shall not release such officer or the sureties upon his bond, if any bond there be, from any liability of such officer to the City, and when any officer shall resign or shall be removed from the office held by him or her or in any manner cause or permit the said office to become vacant, he or she shall forthwith and without demand deliver to and deposit with the City Clerk all books, documents, papers, moneys and other property in his or her custody as such officer or in any manner pertaining to such office or belonging to the City.

THE MAYOR—POWERS AND DUTIES

Sec. 16. The powers and duties of the Mayor shall be such as are conferred upon him by this Charter, together with such others as are conferred by the Commission pursuant to the provisions of this Charter or to the Laws of the State.

Sec. 17. He shall be the presiding officer of the City Commission and shall exercise all the powers conferred and perform all the duties imposed upon the presiding officer of the Commission by the Charter. He shall appoint all standing and special committees of the City Commission. He shall be recognized as the official head of the City by the Courts for the purpose of serving civil process, by the Governor for the purposes of the military law, and for all ceremonial purposes.

Sec. 18. The Mayor shall have the power to take the command of the peace and to govern the City by proclamation during times of great public danger, and this right shall not be abridged or abrogated.

Sec. 19. During the disability of the Mayor, the functions of his office shall devolve upon some member of the City Commission designated by that body.

Sec. 20. He shall exercise all other powers and perform all other duties conferred and imposed by general law upon Mayors of Cities, except other designation as shall be made by this Charter or by act of the Commission.

THE BOARD OF ASSESSORS

POWERS AND DUTIES

Sec. 21. The three Assessors shall constitute the Board of Assessors, and shall perform the duties required by this Charter and the laws of this State relating to the assessment and levy of Taxes.

Sec. 22. They shall, at their first meeting after the General Municipal Election each year, elect one of their number President of the Board who shall preside at the meetings of the Board, and, if a vacancy occurs another member shall be elected President to fill the vacancy. The City Clerk shall be the Clerk of the Board but shall not vote as a member thereof. Two members of the Board shall constitute a quorum for the transaction of the business and no matter coming before said Board shall be approved or adopted without the affirmative vote or approval of at least two (2) members thereof.

Sec. 23. The members of the Board of Assessors and the Supervisors of the Several Districts of the City shall represent the City of Manistee and said Districts upon the Board of Supervisors of the County of Manistee and shall be members thereof.

POWERS AND DUTIES OF JUSTICES OF THE PEACE

Sec. 24. Justices of the Peace elected under this Charter shall have the same civil and criminal jurisdiction and powers, and shall receive the same compensation as now are, or hereafter may be conferred and allowed by the General Laws of the State.

Sec. 25. They shall have jurisdiction to hear, try and determine all prosecutions and other cases under the Ordinances of the City, and for the recovery of fines, penalties and forfeitures as in said Ordinances provided; within the limits of their jurisdiction as prescribed and defined by the General Laws of the State.

Sec. 26. They shall keep a correct record of all cases, the same as they are required to keep in State cases and they shall receive the same compensation in City cases as allowed by the Law in State cases.

Sec. 27. All fines, penalties, forfeitures, and other moneys collected or received by any Justice of the Peace in City cases or which may in any manner or for any reason belong to the City shall be paid by such Justice to the City Treasurer on or before the first Monday of the month next following the receipt of such moneys; and on the first Monday of each month each Justice of the Peace in the City shall file a full report to the Commission, duly verified, showing all cases or other proceedings taken or had before such Justice during the preceding month under the Ordinances of the City or in which the City may be in any manner interested and the results thereof.

Sec. 28. Each Justice of the Peace, in addition to any other security

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required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the City, in a penalty of one thousand (\$1,000) dollars with sufficient sureties to be approved by the Commission, conditioned for the faithful performance of the duties of Justices within and for the City.

POWERS AND DUTIES OF SUPERVISORS

Sec. 29. The Supervisors of the several Districts of the City shall perform the same duties as are provided by law for Supervisors in Townships, except as otherwise provided in this Charter. Each Supervisor shall represent the District in which he is elected upon the Board of Supervisors of Manistee County. They shall each receive the compensation allowed by the General Laws of the State for like services in townships.

CONSTABLES

Sec. 30. Each Constable of the City of Manistee shall have the same power and authority in matters civil and criminal as are conferred by law upon Constables in Townships, and shall receive the same amount of fees for his services, and he shall also have the power and authority to serve any process issued by any Justice of the Peace for violation of City Ordinances.

Sec. 31. Each Constable shall be a peace officer of the City and shall be subject at all times to the call of the Mayor, City Marshall or Chief of Police of the City of Manistee to act as he may be directed in the preservation of peace or as special policeman.

Sec. 32. The fees of Constables for service of process in civil cases shall be paid by the parties for whom such services are rendered and for service in State criminal cases, by the County of Manistee. For service of process in City cases fees shall be paid by the City and the fees shall be the same as are allowed by the General Law. Services rendered upon call of said officers of the City or as special police shall be compensated as the Commission shall direct.

Sec. 33. It shall be the duty of the Constables to stop all disturbances of the peace in their Districts or elsewhere in the City, and if unable to do so without help to call the Police Force or other citizens to their aid and to give notice to the Marshall or Chief of Police of any violation of the Laws of the State or of the Ordinances of the City known by them.

ARTICLE V

THE COMMISSION

Sec. 1. (a) The legislative authority of the City subject to the reservation of powers to the people contained herein shall be vested in a Commission, consisting of the seven Commissioners and the City Clerk. The City Commission shall perform the duties required of it by this Charter and the General Law of this State and whenever by General Law or otherwise any powers or authority is vested in the City, the Commissioners may enact such appropriate ordinances or pass such resolutions as may be necessary for the execution and exercise of such power and authority subject to the restrictions imposed by this Charter.

(b) The City Clerk shall be Clerk of the Commission, but shall have no vote therein. He shall keep a full record of all the proceedings of the

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Commission and perform such other duties relating to his office as the Commission may direct. In the absence of the Clerk the Commission shall appoint one of their number to perform the duties of his office.

Sec. 2. (a) The Commission shall hold two regular stated meetings in each month for the transaction of business, at the Commission Room in the City Building. Special meetings may be called by the Mayor or two Commissioners in such manner as the Commission shall by ordinance prescribe. If at any time the Commission Room shall be or become unsuitable for meetings of the Commission, meetings shall be held at such other suitable place within the City as the Commission shall provide.

(b) All meetings shall be public and held in the Commission Chamber, and any elector or citizen so desiring may attend such meetings.

(c) Any citizen may have access to the minutes of any or all meetings of the Commission, upon application to the City Clerk during business hours.

Sec. 3. Four members shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Sec. 4. Five votes shall be required to pass any measure involving expenditure of money, confirming appointments or removals, granting a franchise, or authorizing a bond issue. A simple majority shall suffice for the passage of any other measure, except as otherwise herein provided. The signature of the Mayor shall not be required in any case.

Sec. 5. No member shall be excused from voting upon matters involving the consideration of his private interests or his own official conduct. In all other cases a failure to vote shall be entered in the minutes as a negative vote.

Sec. 6. The Mayor shall preside at all sessions and shall have a vote the same as the other members of the commission.

Sec. 7. The Commission shall prescribe the rules of its own proceedings and keep a record or journal thereof in the English language. All votes shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and within one week after any meeting of the Commission all the proceedings and votes taken thereat shall be published in one or more newspapers of the City.

Sec. 8. The City Commission may enforce the attendance of any officer or employee at its meetings in such manner as may by Ordinance be prescribed, and may by Ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member of person present at any session of the Commission.

Sec. 9. The City Manager shall have a seat in the Commission and may take part in all its proceedings and deliberations on all matters subject to such rules as the Commission shall from time to time prescribe, but without the right to vote.

Sec. 10. The Commission shall have control of the finances and of all the property, real and personal, of the City Corporation, except as may be otherwise provided for by law, and shall have the power to direct the deposit of all moneys, bonds, papers and evidences of value in any safe, bank or banks, and contract with any such bank or banks for the safe keeping of the public moneys, and for the receipt of interest upon such moneys of the Corporation deposited with such bank or banks by the Corporation or

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proper officers thereof and such interest shall belong and be credited to the sinking fund. Provided, that when the Commission has directed the Treasurer to deposit said moneys with any bank or banks, such bank or banks shall give a bond to the City, with sureties and in an amount to be approved by the Commission sufficient to protect the City from loss.

Sec. 11. The Commission shall cause all the records of the Corporation, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the City or to the official acts of any officer of the Corporation (unless required by law to be kept elsewhere) to be deposited and kept in the office of the City Clerk, and to be so arranged, filed and kept as to be convenient of access and inspection by the inhabitants of the City or any other persons interested therein, at all reasonable times and it shall be unlawful for any person to secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction with intent to prevent the contents or true meaning or import from being known.

Sec. 12. Any person appointed to any office, board or employment during the pleasure of the Commission may be removed therefrom by a vote of the majority of the Commissioners elect. In case of any elective officers or appointive officers having a definite term fixed by this Charter, provision shall be made by Ordinance for preferring charges in trying the same, and no removal of such officer shall be made unless a charge in writing is preferred and an opportunity given to make a defense thereto. Such Ordinance shall provide that charges may be preferred by any citizen provided that there is endorsed thereon a request by not less than ten (10) resident freeholders of the City who are electors therein that the same be investigated.

Sec. 13. To enable the Commission to investigate the charges against any officer, or such other matters as they may deem proper to investigate, the Mayor or any Justice of the Peace of the City is empowered at the request of the Commission to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the Commission or any committee thereof.

Sec. 14. Whenever the Commission, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the Commission, or Chairman of such committee for the time being, shall have power to administer the necessary oath; and such Commission or Committee shall have the same power to compel witnesses to testify as is conferred upon courts of Justices of the Peace.

Sec. 15. The Commission shall audit and allow all accounts chargeable against the City.

Sec. 16. The Commission shall have authority to enact all Ordinances and make all such regulations consistent with the laws and constitution of the State, and with this Charter, as they may deem necessary for the safety, order and good government of the City and the general welfare of the inhabitants thereof.

The style of all Ordinances shall be "THE CITY OF MANISTEE ORDINANCES." All Ordinances shall require for their passage the concurrence of a majority of all the Commissioners elected. All Ordinances shall take

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effect thirty (30) days after the final passage thereof; provided, that all Ordinances in effect at the time this Charter goes into operation shall remain in full force and effect until repealed or nullified in accordance with the terms of this Charter.

Sec. 17. (a) All Ordinances, when regularly enacted, shall be immediately recorded by the Clerk of the Commission, in a book to be called "The Record of Ordinances" and it shall be the duty of the Mayor and Clerk to authenticate the same by their official signatures upon such record.

(b) Within one week after the passage of any Ordinance the same shall be published in some newspaper, printed and circulated within the City, and the Clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinances, a certificate stating in what newspaper and what date such publication was made, and sign the same officially, and such certificate shall be prima facie evidence that legal publication has been made.

(c) And all Courts having authority to hear, try or determine any matter or cause arising under the Ordinances of the City, and in all proceedings in the City relating to or arising under the Ordinances or any Ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the Ordinances of the City and whenever it shall be necessary to prove any of the laws, regulations or ordinances of the City, or any resolution adopted by the Commission, the same may be read in all courts of Justice, and in all proceedings.

First, from a record thereof kept by the City Clerk.

Second, from a copy thereof, or of such record thereof, certified by the Clerk under the seal of the City.

Third, from any volume of Ordinances purporting to have been written or printed by authority of the Commission.

Sec. 18. The City Commission may by Ordinance prescribe:

First, for the levying and collecting of rents, tolls and excises.

Second, for the regulation of trades, occupations and amusements within its boundaries.

Third, for the punishment of those who violate the Ordinances of the City, but no punishment shall exceed the sum of Five Hundred (\$500.00) dollars, or imprisonment for ninety (90) days or both in the discretion of the Court. Said imprisonment may be in the County Jail or City Prison, or in any workhouse in the State authorized by law to receive prisoners from this City.

Fourth, for the reasonable use, regulation and control of the surface of the streets of the City, and the space above and beneath them, subject to the limitations imposed by this Charter.

Fifth, for assessing and re-assessing the cost of any Public Improvement or any portion thereof to a special District.

Sixth, for the purchase or condemnation of the franchises, if any exist, and the property used in the operation of companies or individuals, engaged in the cemetery, hospital, almshouse, electric light, gas heat, water and power business subject to the provisions of this Charter, and the General Laws and Constitution of this State.

Seventh, for the purchase of private property and the condemnation thereof, for any public use or purpose, subject to the provisions of this Charter and the General Laws of this State.

Eighth, for a plan of streets and alleys within the City and for a distance of not more than three (3) miles beyond its limits.

Ninth, for the use and control and regulation of streams, waters and water courses within the boundaries of the City.

Tenth, for the enforcement of such local police, sanitary and other regulations as are not in conflict with the General Laws of this State or, inconsistent with this Charter.

Eleventh, for a system of civil service.

Twelfth, The City Commission shall have the power and it shall be their duty subject to the positive grants of powers, to other bodies or of the reservation of powers to the people by this Charter:

(a) To exercise all the corporate functions of the City in relation to finance including the power to borrow money and issue bonds when the same have been approved by the people in accordance with the provisions of this Charter, levy taxes and assessments and make appropriations.

(b) To buy, sell, lease, rent or condemn real estate and buildings, but the power of the tax collecting officer to take any lawful action for the collection of delinquent taxes and assessments shall not be abrogated or abridged.

(c) To exercise the corporate powers in relation to contracts.

(d) To exercise control over public utility plants, including the power to fix rates at which public utilities shall be furnished to consumers.

(e) To grant and revoke licenses for the conduct of lawful forms of business and amusements, and to pass ordinances governing the granting and revocation of the same, and to license, regulate and control all persons dealing temporarily in any kind of merchandise within the City of Manistee and to revoke all such licenses.

(f) To make all such readjustments and redistribution of the functions of the Administrative Department as are provided for in Article VI.

(g) To confirm and reject appointments and removals as provided for in this Charter.

(h) To fix the compensation of all City officers, boards and employees. But the salaries or compensation of officers elected or appointed for fixed and definite periods or terms shall not be raised or lowered during their terms. Fees of officers fixed by the State Laws shall not be changed by the Commission.

Sec. 19. In times of emergency when it becomes difficult for the residents of the City of Manistee to procure or obtain any article or commodity generally necessary to all residents, or when the person or persons selling any such article or commodity shall charge exorbitant prices therefor, the Commission may authorize the Mayor to purchase such articles or commodities in sufficient but not excessive quantities in the name and at the expense of the City and to sell the same to residents of the City at the actual cost thereof, but payments to the City for all articles or commodities sold by the City shall be made in cash before the goods sold are delivered to the purchasers thereof.

Sec. 20. The Commission shall prescribe the character and amount of bonds to be furnished by any officer or employee of the City. Such bonds before acceptance by the Commission shall be approved as to form and validity by the City Attorney and when so approved and accepted by the Commission shall be filed with the City Clerk. The cost of all official and

employee bonds required to be given under the provisions of this Charter may be paid by the City.

Sec. 21. Except as otherwise provided in the Charter, no contract shall be entered into by the City Commission for a period exceeding five (5) years. All contracts executed by the City shall be in triplicate, one copy thereof to be filed with the City Manager and one with the City Clerk.

Sec. 22. The Commission shall have the power and it shall be their duty to supervise, control and regulate the manner in which all slaughter-houses and all other places which through neglect may constitute a nuisance, shall be conducted, so as in no way to be an offense or injury to the health of the inhabitants of the City. The Commission shall also fully control and regulate, in all parts of the City where sewers are not constructed, all out-houses used for domestic purposes, seeing that the same are kept in as sanitary condition as possible and no injury or offense either to the owner thereof or their neighbors; and in all cases where sewers are constructed the owners of adjoining houses shall be compelled to install water closets of approved pattern and design and shall keep the same in good working order and shall also have the power and authority to abate and wherever possible fully obliterate all menaces to the public health.

Sec. 23. The Commission shall be the Board of Health of the City and shall perform the duties thereof as required by the General Laws of the State.

Sec. 24. (a) The City Commission shall by ordinance provide for a general fund to be known as the Manistee City Public and School Library Fund, and to provide for a Board of Trustees for the care, management and disbursement of said Library Fund, and for the management and control of said Manistee City Public and School Library.

(b) Said Board of Trustees to be appointed by the City Commission for a period of five (5) years; provided, however, that of the five trustees first appointed, one shall be appointed for one (1) year; one for two (2) years; one for three (3) years; one for four (4) years; and one for a period of five (5) years.

(c) All rules, regulations and disbursements of moneys recommended by said Library Board shall be approved by the City Commission.

ARTICLE VI

APPOINTIVE OFFICES

Sec. 1. The City Commission shall by a majority vote of the Commissioners elect, appoint a City Clerk, City Treasurer, City Manager and City Attorney. The Commission may also appoint such other officers and employees as it may from time to time deem necessary to carry this Charter into effect. All appointive officers shall receive such compensation as the Commission may deem just. They shall not be appointed during a definite term but hold office during the pleasure of the Commission, provided that the Commission may contract in writing with any officer or employee for the performance of services by said employee or officer for a period not to exceed two (2) years.

CITY CLERK

Sec. 2. The City Clerk shall be the Clerk of the Commission and Sec-

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retary of the Mayor and City Manager, and shall attend all meetings of the Commission. He shall keep a record of the proceedings of the Commission, he shall also keep the corporate seal and shall affix the same to all instruments and documents requiring the seal and attest the same. He is hereby authorized to administer all oaths required to be administered under the provisions of this Charter, but shall receive no compensation therefor.

Sec. 3. He shall perform such other duties as may be provided for in this Charter and as may be assigned to him by the Commission.

Sec. 4. He may designate one or more employees in his office as a deputy or deputies, who shall perform all the duties of said City Clerk in case of his absence.

Sec. 5. At the close of the fiscal year, or oftener if it be required by the Commission, the clerk shall make out a statement in detail of the revenue and expenditures of the City during the preceding period, which statement shall show in detail the financial condition of the City at the close of said period. The Commission may pass such Ordinances as are necessary governing the making of such report and what it shall contain.

CITY TREASURER

Sec. 6. The City Treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the City. He shall receive all moneys belonging to and receivable by the Corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the Treasury except in pursuance of and by authority of law, and upon warrants signed by the Clerk, and countersigned by the Mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the Corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued and having the name of such fund endorsed thereon by the Clerk.

Sec. 7. The Treasurer shall render to the Clerk on the first Monday of every month, and oftener if required, a detailed report of the amounts received and credited by him to each fund and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the Commission annually on the fifteenth day of March, a full and detailed account of the receipts and disbursements of the Treasury up to the close of the last fiscal year, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund, which account shall be filed in the office of the Clerk and shall be published in one or more of the newspapers of the City. He shall also prepare special reports for such periods as the Commission may require.

Sec. 8. Said Treasurer shall take receipt of all moneys paid from the Treasury, showing the amount and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the Clerk with his monthly report.

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Sec. 9. The City Treasurer shall keep all moneys in his hands belonging to the City separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidence of debt in his custody or keeping, for his own use or benefits, or that of any other person; any violation of this section shall subject him to immediate removal from office by the City Commission who are hereby authorized to declare the office vacant and to appoint his successor.

Sec. 10. The City Treasurer shall deposit all City Funds in a bank or banks designated by the Commission as a City depository or depositories in accordance with Section Ten (10) of Article Five (5) hereof, in the name and to the credit of the City. Having so done and taken a receipt therefor, he shall be personally relieved from all liability and loss resulting from failure of said depository or depositories.

CITY MANAGER

Sec. 11. There shall be chosen by the City Commission an officer to be known as the City Manager, who shall be the administrative head of the City Government.

Sec. 12. Before entering upon the duties of his office the City Manager shall take the official oath required by law and shall execute a bond in favor of the City for the faithful performance of his duties in such sums as shall be determined by the City Commission.

Sec. 13. The City Manager shall not be personally interested in any contracts to which the City is a party for supplying the City with materials or labor of any kind.

Sec. 14. It shall be his duty to attend all meetings of, and to recommend to, the City Commission, from time to time such measures as he shall deem necessary or expedient for it to adopt. He shall prepare matters for consideration at meetings of the City Commission, and furnish them with any necessary information respecting any of the departments.

He shall at such times as the Commission may require, present reports from the several departments and shall draw up an annual report which shall consolidate the special reports of the several departments; he shall present to the City Commission annually an itemized estimate of the financial needs of the several departments for the ensuing year.

Sec. 15. He shall transmit to the hands of the several departments written notice of all acts of the City Commission relating to the duties of their departments, and he shall make designation of officers to perform duties ordered to be performed by the City Commission.

Sec. 16. He shall sign such contracts, license and other public documents, on behalf of the City, as the City Commission may authorize and require.

Sec. 17. He shall have access at all times to the books, vouchers, and papers of any officer or employee of the City and shall have the power to examine, under oath, any person connected herewith. It shall be his duty, either in person or by the aid of a competent assistant, to know the manner in which the accounts of the City are kept.

Sec. 18. He shall have power to revoke licenses pending the action of the City Commission.

Sec. 19. During the disability of the City Manager the City Commis-

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sion shall designate some properly qualified person to execute the functions of the office.

CITY ATTORNEY

Sec. 20. The City Attorney shall be the legal advisor of the Mayor, Commission, and of all City officials and City Board, including the Park, Library and School Boards, and all Boards that may subsequently be created, shall conduct all cases in court wherein the City or any department of the City shall be a party or interested, and shall perform such other duties as are required by Ordinance or may be assigned to him by the Commission or City Manager. He shall keep in his office copies of all franchises and contracts filed with the City Clerk in which the City is interested, together with proper data and information concerning the same, and shall give to the Mayor and Commission ample notice of the expiration or termination of any such franchise or contract. He shall pass upon the legality of all contracts made by the City or any officer in its behalf, and no contract shall be valid unless approved by him as to form, validity and manner of execution, and such approval endorsed thereon before execution by the City Clerk or any officer thereof. He shall give opinions in writing to all officials and heads of departments named in this Charter when requested in writing to do so; he shall keep on file in his office copies of all written opinions given by him to any officer, and the briefs and transcripts used in cases wherein he appears and bound books of record and docket entries of all actions or proceedings under his charge in which the City is interested; he shall cause an index to be made of all books and records, reports, documents and papers, and a list of all statutes, law books and other property of every description belonging to his office or to the City, and deliver the whole thereof to his successor in office, who shall give him a duplicate receipt thereof, and file one with the City Clerk of said City.

He shall receive such salary as the Commission may from time to time fix by Ordinance or resolution; he may appoint such deputies as he may see fit, who shall perform all duties of the said City Attorney in case of his actual disability or absence from the City, but without expense to the City.

The City Attorney shall, within sixty (60) days from the taking effect of this Charter, prepare and report to the Commission such changes and modifications in existing Ordinances as may be deemed necessary to adapt the same to this Charter, and as may be best calculated to carry into effect its provisions, and he shall receive no additional compensation therefor.

ADMINISTRATIVE DEPARTMENTS

Sec. 21. The heads of departments shall perform, or delegate the performance of, all duties imposed upon them by the City Manager in pursuance of the general regulations of the City Commission. They shall, of their own initiative, or upon his order, at any time, submit to him statements of the needs of their several departments, and propose any measures, with or without specifications, which they may deem necessary or advisable for the welfare of the City. They shall prepare reports and make estimates of the probable financial requirements of their departments, in such form and at such times as he shall require. They shall attend the meet-

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ings of the City Commission but shall have no vote therein. They shall assemble upon the call of the City Manager for general consideration of the affairs of the City. They shall recommend the appointment and dismissal of subordinate officers and employees in their several departments.

Sec. 22. The powers of all administrative officers and boards shall be administrative and advisory only, with such exceptions as are hereinafter noted, and shall not extend to the enactment of general regulations except for the purpose of controlling the organization within their several departments. No administrative officer or board shall buy, rent, lease, sell or condemn any real estate, buildings, public utility plants, nor shall any such officer or board enter into any contracts, or borrow money on the credit of the City, or receive gifts in behalf of the City, of moneys, real estate, buildings, or grant franchises or fix rates at which water, gas, electricity or other commodity may be furnished to the consumers.

Sec. 23. The administrative officers of the City shall make no expenditures except upon the authority of a resolution of the City Commission. But the City Commission may at its discretion set aside for any department a fund for emergency expenses and enact rules governing the same.

Sec. 24. Nothing in this Article shall be construed as to limit the tax collecting officer in the exercise of the power and duties granted under the General Laws of the State and this Charter, to take action for the collection of delinquent taxes and assessments.

Sec. 25. In so far as the departments of the City Government are agents for the State Government they shall be responsible for that part of the performance of any specific duty imposed by a central administration agency as is consistent with the distribution of powers in this Charter, and with the acts of the Commission supplementary thereto. That is to say: bodies entrusted with powers of general regulation shall be so far responsible; and bodies or officers upon whom specific performance is imposed shall be held responsible for the same by the central administrative agency. In such portions of the administrative side of the City Government as are under the control of the City Manager, that officer shall be jointly responsible with his subordinates.

ARTICLE VII

FINANCE

Sec. 1. (a) The City Manager, or a Deputy under his direction, shall have access to all books, records and documents kept by any officer, employee or department of the City. Upon failure of such officer or employee to comply with the requirements of the City Manager therefor, he shall be suspended by the Mayor for a period of not exceeding thirty (30) days and such failure shall be grounds for removal by the proper authority at its discretion.

The Mayor shall immediately remove or suspend any such officer or employee upon satisfactory evidence of such failure being submitted to him by the City Manager.

(b) The City Manager shall examine and audit all claims and demands against the City, shall promptly report to the Mayor and City Commission in writing any default or delinquency he may discover in the books, records or accounts of any City Department.

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(c) He shall require any person presenting for payment an account or claim against the City to answer orally as to any facts relative to the justness of such account or claim.

(d) He shall, in co-operation with the heads of the several departments, prepare blanks for checking, completing and keeping an inventory of all property, real or personal, which the City owns in whole or in part, and shall keep a copy thereof in his office. Inventories of all property shall be furnished by the head of each department at the end of each fiscal year, which shall show, item by item, the sums charged off or added for depreciation or increase, if any depreciation or increase exists since the previous inventory, and shall be checked and corrected by the City Manager.

(e) He shall establish in each department, with the co-operation of the head thereof, an accurate system of distribution and accounting expenditures under the heads of "Cost of Operation," "Cost of Maintenance" and "Cost of Permanent Improvements," which system, when installed, shall be maintained by the several departments.

(f) All accounts, vouchers, bills and inventory records shall at all times be open for inspection by the public during business hours.

Sec. 2. The Commission shall provide for an annual audit to commence immediately after the annual municipal election by a disinterested, competent auditor, who shall have access to and shall audit all the books, vouchers and papers in any way relating to the finances of this City and shall report his findings to the City Commission in writing.

Sec. 3. The fiscal year of the City shall commence on the first day of March of each year, unless otherwise provided by ordinance.

Sec. 4. The Commission of the City shall have authority within the limitations herein prescribed, to raise annually, by taxation within the corporation, such sums of money as may be necessary to defray the expenses and pay liabilities of the City, and to carry into effect the powers in this Charter granted.

Sec. 5. The revenues raised by the general tax upon all the property in the City, or by loan to be repaid by such tax, shall be divided into the following general funds:

First, Contingent Fund—To defray the contingent and other expenses of the City for the payment of which no provision is made in any other fund.

Second, Fire Department Fund—To defray the cost of purchasing grounds, erecting engine houses thereon, purchasing engines and fire apparatus and all other expenses necessary to maintain the fire department of the City.

Third, General Street Fund—To defray the cost of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the City, and for the construction and repair of sidewalks and crosswalks, and for care thereof.

Fourth, General Sewer Fund—To defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses.

Fifth Bridge Fund—For the construction and maintaining of bridges.

Sixth, Water Fund—For construction of reservoirs, wells, pumping stations and pipe lines, and providing other supplies of water.

Seventh, Public Building Fund—For providing for Public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city hall, libraries, voting stations, prisons,

watch-houses, and hospitals as the Commission is authorized to erect and maintain, and not herein otherwise provided for.

Eighth, Police Fund—For the maintenance of the police of the City, and to defray the expenses of the arrest and punishment of those violating the ordinances of the City and the General Laws of the State.

Ninth, Interest and Sinking Fund—For the payment of the Public Debt of the City and the interest thereon;

Tenth, Such other general funds as the Commission may from time to time constitute.

Sec. 6. Revenues and moneys raised by taxation in special districts of the City shall be divided into the following special funds:

First, A street district fund for each street district for defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses which the Commission shall charge upon the street district;

Second, A district sewer fund for each main sewer district for the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the City shall be divided into such districts;

Third, Special Assessment Funds—Any money raised by special assessment levied in any special assessment district or special sewer district, to defray expenses of any work, paving improvement, or repairs or drainage, therein shall constitute a special fund for the purpose for which it is raised.

Sec. 7. The aggregate amount which the Commission may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the Corporation, and for all purposes for which the several general funds mentioned in Section Five (5) of this Article are constituted (exclusive of taxes for schools and schoolhouse purposes) shall not, except as herein otherwise provided, exceed in any one year two (2) per cent of the assessed value of all the real and personal property in the City made taxable by law.

Sec. 8. In addition to the above amounts, the Commission may raise by special assessment, in sewer districts and special assessment districts for the purpose of grading and paving, curbing, graveling, and otherwise improving the streets and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five (5) per cent of the assessed value of the property in the sewer district or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the City.

Sec. 9. It shall be the duty of the Commission to cause estimates to be made in the month of September in each year, of all expenditures which will be required to be made from the several general funds of the City during the next fiscal year for the payment of interest and debts to fall due, and for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the Police and Fire Departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several funds during each fiscal year; and also, to estimate the amounts that will

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be required to be expended from street funds during said next fiscal year in working upon, improving and repairing the streets in the several districts of the City.

Sec. 10. The Commission shall also in the same month determine the amount to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any assessment which they require to be levied or re-assessed in the next general tax rolls of the City upon lands in any main sewer or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Sec. 11. The Commission shall also in the said month of September, pass an Ordinance, to be termed the annual appropriation bill, in which they shall make provisions for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district fund, and order the same or so much of such amounts as may be necessary to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the City; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the City is authorized to raise by general tax during the year. The Commission shall specify in such Ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The Commission shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount, or any part of special assessment, or other sum which they require to be levied or re-assessed with the next general tax, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

Sec. 12. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated; nor shall any further liability be incurred for any purpose to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made unless the proposition to make the appropriation shall be sanctioned by a majority vote of the freeholders possessing the qualifications of electors voting upon the proposition at the next annual city election. But this section shall not prohibit the Commission from making any necessary repairs or expenditure at a cost not exceeding Five Thousand (\$5 000.00) Dollars, the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year, and from borrowing the money therefor.

Sec. 13. No improvement, work, repairs or expense to be paid for out of any general fund, or street district, excepting as herein otherwise provided, shall be ordered, commenced, contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation especially made therefor in the last preceding annual appropriation bill; nor shall any expenditure be made or liability incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made or money be paid out

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of any general or street district fund, for any purpose, unless appropriated for the purpose in said bill.

Sec. 14. No work or improvement to be paid for by special assessment, costing more than Three Thousand (\$3,000) Dollars, shall be ordered, commenced or contracted for; nor shall any assessment be levied therefor, in any year; unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

Sec. 15. No public work, improvement, or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expenses thereof, and no such work or improvement shall be paid for, or be contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

Sec. 16. Instead of levying a tax for the whole amount authorized by this article to be raised in the manner in any year for the purpose of the general and street district funds, the Commission may, in its discretion raise a part thereof by tax and a part thereof by loan; provided, that the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

Sec. 17. The Commission shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the work.

Sec. 18. Should any greater amount be required in the year for the purpose of erecting public buildings, or for the purpose of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the City, than can be raised by the Commission under the foregoing provisions of this Charter, such amount may be raised by tax or loan, or partly by loan, if authorized by a majority vote of the freeholders voting upon the question at an annual City election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two (2) per cent of the assessed value of the property in the City as shown by the last preceding tax rolls made therein.

Sec. 19. The proposition to raise such additional amount shall be submitted to a vote of the freeholders by an Ordinance or Resolution of the Commission, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such Ordinance or Resolution shall be passed and published in one or more of the newspapers of the City, and copies thereof posted in five (5) of the most public places in each district of the City, at least two (2) weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Sec. 20. All moneys and taxes raised, borrowed or appropriated for the purposes of any particular fund, shall be paid in, and credited to each fund, and shall be applied to the purpose for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted except when there shall be a surplus in any general fund at the close of any fiscal year. In such cases, the surplus may be transferred to the sinking fund, should there be a deficiency

in that fund, otherwise the Commission may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Sec. 21. No money shall be drawn from the Treasury except in pursuance of the authority and appropriation of the Commission, and upon the warrant of the Clerk, countersigned by the Mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

Sec. 22. No warrant shall be drawn upon the Treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding and previously incurred and payable from such fund are sufficient to exhaust it. Any warrant, draft, or contract payable by the provisions of this Charter from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void against the City.

Sec. 23. No loan shall be made by the Commission or by its authority, in any year, exceeding the amounts prescribed in this Charter. For any loans lawfully made, the bonds of the City may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts issued, and when due shall be kept by the City Clerk. When deemed necessary by the Commission to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the City. Each bond shall show upon its face the class of indebtedness to which it belongs and from what fund it is payable.

ARTICLE VIII

ASSESSMENT AND COLLECTION OF TAXES

Sec. 1. All assessments of property for taxation in the City of Manistee shall be made by the Board of Assessors. For general taxation purposes a separate Assessment Roll shall be made for each of the Districts of the City and for special taxation the assessment rolls shall cover the Special Districts specified by the Commission therefor. All assessment books required for the assessment of property for taxation shall be provided by the City Commission.

Sec. 2. The Board of Assessors shall for the purpose of taxation assess all property subject to taxation in the City and in the proper District and at its true cash value, and shall perform all other duties as Assessors at the times and in the manner required of Supervisors of Townships by the General Tax Laws of the State. Provided, however, that the assessment of all taxes upon all dogs as fixed by law, shall be made by or under the direction of the Chief of Police, who shall make such assessments, or designate a member or members of such Police Force for that purpose.

Sec. 3. The members of the Board of Review of the City shall be the President of the Board of Assessors, and City Attorney and one elector and freeholder of the City, who shall be appointed by the City Commission at its first meeting in the month of May of each year. Two members shall constitute a quorum for the transaction of the business of the Board and no matter coming before the Board shall be adopted or approved without the approval of at least two (2) of the members thereof.

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In case there be any vacancy in the Board of Review or if for any reason any member or members of the Board shall be unable to attend any meeting thereof, the member or members present and the Mayor of the City shall appoint one or more electors and freeholders of the City to fill such vacancy or vacancies, who shall act as members of the Board until the assessment rolls for that year are revised and approved.

Sec. 4. When the general assessment rolls for all the districts of the City have been completed by the Board of Assessors, and not less than fifteen (15) days prior to the time fixed for the first meeting of the Board of Review, in each year, the said Board shall cause to be published in one or more newspapers, published in the City, a notice to taxpayers that the assessment rolls will be open to inspection and that said Board of Assessors will be in its office at the times and dates specified in such notice, for five (5) days in succession, beginning not less than ten (10) days prior to the date fixed for the first meeting of the said Board of Review; and that any person being aggrieved by any assessment appearing upon said assessment rolls may make complaint thereof in writing to said Board of Assessors. The said Board of Assessors shall consider all such complaints and may make such corrections in said rolls as the Law and their best judgment shall require. During said five (5) days the said Board of Assessors shall place upon the proper assessment rolls any property, real or personal, that may have been omitted and make such other corrections as may be required. At the close of said session the Board of Assessors shall write upon or annex to each of said assessment rolls their certificate that the same has been completed and shall file said rolls so certified in the office of the City Clerk.

Sec. 5. The Board of Review shall meet at the time appointed by the Laws of this State for the meetings of Boards of Review in Townships, and shall have the powers, perform the duties and remain in session the full time required by the General Law of this State relating to Boards of Review in Townships. The City Clerk shall cause to be published in one or more newspapers published in the City, notice to taxpayers of all meetings of the Board of Review giving the place where, and the dates upon which it will be in session. Such notice shall be published not less than five (5) days before the first meeting of said Board of Review, and shall be published five (5) days in succession.

Sec. 6. The City Clerk shall be Secretary of said Board of Review and shall keep the records of its sessions and proceedings and file the same in his office, and after said assessment rolls have been approved or confirmed by the Board of Review, he shall attach to or write upon each roll his certificate under the seal of the City certifying that such assessment rolls have been acted upon and approved by the Board of Review and he shall then safely keep all such assessment rolls in his office until the taxes for such year shall have spread thereon by him.

Sec. 7. It shall also be the duty of the Board of Assessors to perform all the duties relating to the assessing of special assessments, and the City Clerk shall spread such special tax upon the property so assessed.

Sec. 8. Two (2) members of the Board of Review shall be necessary to make a quorum for the performance of any acts required of such board, and no matter coming before said Board shall prevail or be approved unless it have the approval of a majority of all the members of the Board.

Sec. 9. On or before the first Monday in October in each year the City

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Clerk shall certify to the County Clerk of the County of Manistee the amount of all moneys the City of Manistee requires to be raised for the year upon all the taxable property in the City.

Sec. 10. The City Clerk shall spread upon the assessment rolls of the several Districts of the City as required of Township Supervisors by the Laws of this State, all moneys certified to them by the Clerk of the Board of Supervisors, for State, County, City, School, Library and other purposes authorized by law; and he shall also levy in the same roll upon the lands, property and persons chargeable therewith all special assessments, whether for assessment or re-assessment in street districts, main or special sewer districts, or other special assessment, placing all such taxes in a column headed "Special Assessments."

Sec. 11. The City Clerk shall as soon as may be, spread the several taxes authorized upon each assessment roll and shall certify to the City Treasurer the amount of taxes levied in and by said rolls for City, State and County purposes and charge the amounts thereof to the City Treasurer. The City Treasurer shall give bond to the County Treasurer as required by law, and on or before the first Monday in December in each year the City Clerk shall deliver the tax rolls to the City Treasurer with his warrant for the collection of the taxes therein specified. The said warrant shall be issued by the Clerk under the seal of the City and shall be in the usual form required by law governing the collection of taxes by Township Treasurers, and shall command the City Treasurer to collect from the persons named in such tax rolls the several sums specified therein and the total thereof and such warrant shall authorize the Treasurer in case any person shall neglect or refuse to pay the taxes levied against him in such tax roll to levy the same by distress and sale of the goods and chattels of such person. All taxes levied upon real property in any district shall be and remain a lien upon such property until paid.

Sec. 12. The City Treasurer shall have all the duties, rights and powers in the collection of taxes, conferred upon Township Treasurers by the Laws of this State and shall proceed wholly in accordance with said laws. He may require and receive from the County Treasurer of Manistee County new warrants when necessary to collect or enforce the collection of any tax and proceed to enforce collection by suits at law in like manner and to the same extent as Township Treasurers are authorized by law, and his duties and powers extend to and cover each and every tax roll of the several Districts of the City, the same to all intents and purposes as if each of said Districts were a Township and he the Treasurer thereof, but all suits for the collection and enforcement of taxes shall be commenced and prosecuted in the name and at the expense of the City.

Sec. 13. All the provisions of the laws of this State relative to delinquent taxes levied in Townships shall apply to all taxes levied in the City of Manistee and returned to the County Treasurer as delinquent, the same as if the City were a Township and the several Districts thereof were assessment precincts for the purpose of taxation.

Sec. 14. All collection fees and charges which are now or hereafter may, by the Laws of this State, be payable to Township Treasurers as collection fees on taxes collected and as fixed by statute shall be collected by the City Treasurer and paid by him to and for the use of the City.

ARTICLE IX

PUBLIC AND SPECIAL IMPROVEMENTS

Sec. 1. The City of Manistee shall have, and is hereby given the power to use, control and regulate the streams, waters and water courses natural or artificial within its corporate limits, and to that end it may,

(a) Deepen, widen, dock, cover, wharf, alter or change the channels of such streams, waters and water courses, establish dock lines and provide for sheet piling or otherwise protecting the same.

(b) Control and regulate the use of the beds, waters, shores and banks of such streams, waters and water courses so as to keep them in safe, sanitary and proper condition as concerns health, safety, utility and beauty.

(c) Acquire by purchase, condemnation or otherwise the waters, beds, shores and banks of such streams, waters and water courses, and to improve, use and maintain the same for such useful or ornamental purposes as may from time to time be determined by the Commission.

Sec. 2. The City, by a five-sevenths vote of the Commissioners elect, and subject to the provisions of this Charter and the General Laws, shall have the power to obtain by purchase or gift, or otherwise acquire real estate or other private property within or without the City Limits and, when acquired, to hold, improve and properly maintain the same for parks, playgrounds, cemeteries, streets, alleys, driveways, boulevards, or for purposes incident thereto, and for other uses or purposes within the scope of its powers heretofore or hereafter granted, and it shall have the power to sell and dispose of such real estate or other property, subject to the same limitations and by the same vote of the Commission.

Sec. 3. The Commission shall have power to execute a plan of streets and alleys within the City Limits and for a distance of not more than three (3) miles beyond its limits, or for such other distance beyond the limits as may hereafter be authorized by law.

Sec. 4. The City shall have the right to extend sewers beyond the City Limits, when necessary for better sanitation or drainage.

Sec. 5. The City, by Ordinance, shall provide for a general plan of separation of streets from the railroads and street railways at grade crossings within said City.

Sec. 6. The Commission shall have the power to:

(a) Determine the necessity for and order all public works and public and special improvements by a vote of five-sevenths of the Commissioners elect.

(b) Order any street improvement or sewer extension under the limitations herein imposed and declare the same to be a necessary public improvement.

(c) Provide by general Ordinance the method of petitioning for the ordering of any street improvement or sewer extension.

(d) Determine the character of the improvement in the case in which it orders the improvement, and determine and fix the District over which the assessment to pay the cost of any public or special improvement shall be levied and the amount, if any, of the cost of such public or special improvement which shall be spread upon the City at large.

(e) Specify at the time of declaring the necessity of any public or special improvement, whether the cost of the same shall in the first instance be met by issuing bonds of the City therefor in anticipation of the collection

of the assessment to defray the expenses thereof, and in such case authorize the issuing of such bonds.

(f) Order street improvements and sewer extension, when petitioned for by property owners owning a majority of the street frontage to be affected by the improvement, and the fixing in such cases the character of the improvements to be ordered.

Sec. 7. Before any special improvement is declared to be necessary or ordered, and before any special assessment district is fixed, the Commission shall give notice of an opportunity to be heard thereon to all persons liable to be assessed therefor. Such notice shall be given in such form and manner as the Commission by Ordinance shall prescribe, whether by publication or otherwise.

Sec. 8. The aggregate amount to be borrowed in any one year for the purpose of special improvements shall not exceed two fifths of one per cent of the assessed valuation of the City according to the last preceding City tax roll; provided, that the total amount of bonds authorized to be issued for such purpose and outstanding at any one time shall not exceed one and one quarter per cent of the total assessed valuation of the City according to the last preceding City tax roll; said bonds shall be made payable in yearly amounts for a period of not exceeding five (5) years from the date of issue. Such bonds shall be sold at the best price obtainable, and the proceeds of the same shall be paid to the Treasurer, by him to be placed to the credit of the particular improvement fund for which issued. Said bonds shall be the general obligation of the City and shall be paid at or before maturity, and shall not be re-issued or refunded, and any avails thereof shall be used only to defray the expense of the special improvement for which they are issued.

As collected the installments of the tax roll for the special improvement, together with accrued interest thereon, shall be credited to the proper special improvement, and to be used only to retire the bonds issued on account of such improvement and to pay the interest thereon.

Sec. 9. The Commission shall cause to be transmitted to the Assessors a map of the District fixed by it, and a statement of what part of the cost of any improvement is to be spread upon the City at large, and the Commission shall transmit to the Assessor such facts as they may have and are necessary to make a proper assessment; and thereupon the Assessors shall prepare an assessment roll which shall contain the names of the owners and the description of the several parcels of property in the District fixed by the Commission to be assessed for such improvement, and upon such roll or against each of such descriptions the Assessors shall spread and levy the cost of such improvement in whole or in part, as the Commission may determine in proportion, as near as may be, to the advantages which each such parcel shall be deemed to be benefited by the making of such improvement. After the assessment roll is completed the Assessors shall give notice to all persons assessed thereon, by publication or otherwise of the completion of such roll, that the same will be open for ten (10) days for public inspection and for correction by said Assessors, and of the time and place of the meeting of the Commissioners acting as a Board or Review on such roll. Immediately after the expiration of said ten (10) days such corrected roll shall be signed by said Assessors or a majority of them and returned forthwith to the Commission. Assessment rolls for sewer pur-

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poses, as well as bond issues therefor, shall be kept separate and distinct from street improvement rolls and bonds. The exemption of any property from general taxation shall not be an exemption of such property from general taxation for special improvements under this Article.

Sec. 10. At its next regular session after the receipt of such rolls from the Assessors, the Commission shall act thereon as a Board of Review, and shall continue to act at such other times as may be necessary and as it may designate. Any interested property holder may appeal in writing to the Commission at any time prior to the opening of its first session. The Commission as such a board shall have the power to correct or change the whole or any part of such roll or return it to the Assessors for reassessment, in which latter case it shall take the same course as an original roll. The roll as finally corrected and revised shall be ratified and confirmed by the Commission and delivered by its Clerk to the Treasurer for collection, with proper warrant for such purpose attached thereto, signed by the Mayor, and attested in due form by the Clerk.

Sec. 11. The Commission by general Ordinance shall make the necessary provisions for carrying this article into effect, including the time within which rolls shall be prepared by the Assessors, the method of transferring such rolls from one office or department to another, the notice, time, place and manner of payment of assessments and the return of surplus, if any; it shall fix a uniform rate of interest on deferred installments, and the time at which any such assessment shall become a lien upon the property assessed.

Sec. 12. The Commission may provide for the spreading of an additional assessment for any public or special improvement, in case it determines that the former assessment or assessments will not produce sufficient funds to pay for such improvement. Such additional assessment shall be spread upon the supplemental roll which shall conform so far as possible to the original roll for such improvement and shall be made, reviewed, delivered, collected, accounted for and returned in the same manner as the original roll, and all sales and redemption of property therein described shall be made in the same manner as the sales and redemption upon said original roll.

Sec. 13. The Commission shall by Ordinance provide for acquiring, by condemnation proceeding in a court of competent jurisdiction under the General Laws of the State, or otherwise, such private property and rights as may be required for any public works, public or special improvements, or for any other use or purpose within the scope of its powers heretofore or hereafter granted; provided, that until the passage of a valid Ordinance for that purpose, the right of eminent domain for such purposes may be exercised by the City in the manner provided for the General Laws of the State.

Sec. 14. Whenever any property is purchased by condemnation or otherwise for the purpose of any special improvement, the cost thereof shall be added to the cost of such special improvement levied upon the property benefited thereby and collected accordingly.

Sec. 15. The cost of public and special improvements for which a special assessment roll shall be made, shall include the cost and expense of making estimates, plans and other expenses incidental thereto.

Sec. 16. Where the owner of property liable to be assessed to pay the cost of a street opening has contributed thereto a portion of the street, the Commission may relieve such person from paying an assessment for the purchase or condemnation price of a like portion opposite that so contributed.

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Sec. 17. The term "Sewer Extensions" shall be construed to mean the construction of new sewers or reconstruction or changing in any material way of existing sewers.

Sec. 18. All special assessment rolls made as herein provided when ratified and confirmed by the Commission shall become final and conclusive and all special assessments shall from the date of confirmation thereof constitute a lien upon the respective lots or parcels of land assessed therefor and shall be a charge against the person or persons, corporation or association in whom or which title was vested at the time the special assessment was made and shall be a charge against person or persons, corporation or association until fully paid.

Sec. 19. Upon receipt of any special assessment tax roll, with the warrant thereto attached, as herein provided, the City Treasurer shall proceed forthwith to collect the taxes herein assessed and for that purpose he shall have and exercise all the rights, duties and powers given him by the Laws of the State and this Charter in the collection of the general taxes of the City and new warrants may be issued to him by the City Clerk as required.

Sec. 20. In case the City Treasurer shall be unable to collect any tax or taxes assessed and levied in and by any special assessment roll or any installment of such tax or taxes within the time allowed therefor by the City Commission, he shall make a return of such taxes giving the description of each parcel of land upon which such tax or taxes have not been paid, the name of the owner thereof and the amount of such tax or taxes then due and unpaid with interest, if any, computed to the date of such return, such return shall be verified by the affidavit of the City Treasurer showing that he has exercised due diligence in his efforts to collect the taxes in said special assessment tax roll specified, that he has been unable to collect the taxes so returned and that the same are unpaid, such return so verified shall be filed with the City Clerk. The City Clerk at the time of making his report or certificate to the County Clerk showing the moneys to be raised by taxation in the City each year, shall include any and all special assessment taxes so returned by the City Treasurer as delinquent and the Board of Assessors shall when spreading the general taxes upon the rolls of the several City Districts include and spread upon the tax rolls of the District in which they occur, any special assessment taxes so returned delinquent and unpaid by the City Treasurer, such taxes shall be assessed upon the lands described and to the person or persons to whom they were assessed in the said special assessment roll and shall include interest on each amount delinquent to the date of such assessment, and if such taxes are not paid to the City Treasurer he shall return them to the County Treasurer as delinquent and if not paid the lands so assessed shall be subject to sale for such delinquent taxes the same to all intents and purposes as the general taxes of the City or of the Townships in the County as provided by the General Tax Laws of this State. Special assessment taxes or allotments or portions thereof, shall include the interest thereon fixed and specified by the Commission, together with statutory fees for the collection thereof, and all fees for the collection thereof by the City Treasurer belong to the City.

ARTICLE X

CITY BONDS—EXCEPT SEWER AND STREET

Sec. 1. The Commission shall borrow no money and issue no bonds unless herein authorized or unless authorized by the electors of the City at an election wherein the question is lawfully submitted.

Sec. 2. The Commission is hereby authorized to borrow money and issue bonds for the payment thereof for the following purposes:

(a) To pay for any public improvement in anticipation of a special assessment lawfully authorized at or prior to the time such loan is made and to be paid from the proceeds of such assessment;

(b) For emergency purposes in accordance with the provisions of the Home Rule Act of the State of Michigan.

(c) For the renewal of bonds falling due from time to time, the payment

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of which at maturity is not required by this Charter or by the Laws of the State of Michigan.

(d) To pay any judgment or decree that shall have been rendered against the City for the payment of which there are no available funds.

Sec. 3. The Commission may borrow money and issue bonds therefor for public purposes whenever authorized to do so by a majority vote of the electors of the City cast at an election wherein the matter of issuing such bonds is lawfully submitted.

Sec. 4. The total amount of the bonded indebtedness of the City shall at no time exceed seven (7) per centum of the value of the assessable property in the City as shown by the tax roll for the preceding year.

Sec. 5. The Commission shall make provision for a sinking fund with which to pay at maturity all bonds issued by the City the payment of which has not otherwise been provided for.

Sec. 6. All details as to the terms and form of bonds and the issue thereof shall be determined by the Commissioners.

ARTICLE XI

FRANCHISES

Sec. 1. No franchise or grant shall be granted by the City for a longer period than thirty (30) years. No license shall be granted by the City for a longer term than one year.

Sec. 2. Every permit granted by Ordinance shall be accepted in writing by the grantee before said Ordinance takes effect, and every franchise or modification of a franchise, before it is submitted to the electors, shall be so accepted. Such acceptance shall be filed with the Clerk. Any non-compliance with this Section shall automatically annul such permit or franchise.

Sec. 3. No franchise or grant which is not revocable at the will of the Commission, shall be granted or become operative until the same shall have been referred to the people at a General Municipal or Special Election and has received an approval of a majority of the electors voting thereon at such election.

Sec. 4. No person, firm or corporation shall ever be granted any exclusive franchise, license, right, or privilege whatsoever.

Sec. 5. No franchise, granted by the City shall ever be leased, assigned or otherwise alienated except in accordance with the express provisions of said franchise, and all franchises granted by the City shall provide how and in what manner, and under what conditions said franchise may be leased, assigned, or alienated, and no dealing with the lessee or assignee on the part of the City, which shall recognize the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to have operated as such consent.

Sec. 6. No change or modification of any franchise or grant of rights or powers previously granted to any corporation, firm, person or association of persons shall be made, except in the manner and subject to all conditions herein provided for, in the making of original grants and franchises.

Sec. 7. The grant of every franchise or privilege shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things, the right to pass and enforce Ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience.

Sec. 8. The City, by and through its Commission, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles and wires by any other corporation to which the

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City shall grant a franchise, subject to reasonable regulations and upon the payment of a reasonable rental therefor. Any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the City, or its suburbs, shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the City, the right to operate its cars over the tracks of said street railway in so far as it may be necessary to enter and leave the City and to reach the section thereof used for business purposes, provided however, that the person or corporation desiring to operate its cars over the lines of said street railway shall first agree in writing with the owner thereof as to terms and conditions and to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, terms and conditions, within sixty (60) days from offering the same in writing, then the Commission shall by resolution, after hearing the parties concerned, fix terms and conditions of such use and compensation, to be paid therefor, which award of the Commission when so made, shall be binding upon and observed by the parties concerned.

Sec. 9. The City Manager shall maintain general supervision over all public utility companies in so far as they are subject to municipal control. The Manager shall cause to be instituted such actions and proceedings as may be necessary to prosecute public utility companies for violation of law and may revoke, cancel or annul all franchises that may have been granted by the City, which have become in whole or in part, or which for any reason are illegal and void and not binding upon the City.

Sec. 10. The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the Commission to insert in such franchise or grant any other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures or any other provisions whatever as it shall deem proper to protect the interests of the people.

Sec. 11. The Commission may grant a permit at any time, in or upon any street, alley, or public place, provided such permit shall be revocable by the Commission at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

Sec. 12. No franchise, lease, or right to use the street or public places or property of the City shall be granted by the City without fair compensation to the City therefor. Where the franchise, lease or grant fixes the rate of fare or the rate to be charged for the service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change at the end of every ten (10) year period during the life of said franchise in such manner and form as in said franchise shall be provided. No such compensation by any such grantee shall ever be in lieu of lawful taxation upon its property, or of any license or charges which are not levied on account of such use.

Sec. 13. All contracts, grants, rights, privileges or franchises for the use of streets and alleys of this City not herein mentioned shall be governed by all the provisions of this Charter, and all amendments, extensions or enlargements of any contract, right, privilege or franchise previously granted by this City to any person, firm or corporation, for the use of the streets and alleys of such City, shall be subject to all the conditions herein provided for the making of original grants and franchises.

Sec. 14. All contracts, granting or giving original franchise, right or privilege, or extending or renewing or amending any existing grant, right, privilege or franchise, shall be made by the Ordinance and not otherwise.

Sec. 15. The Commission shall by Ordinance provide for efficient inspection and regulation of all public utilities operated in the City and to that end shall provide for the quality and pressure of the gas furnished to con-

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sumers, the candle power, voltage, and insulation of electric wires, heat and power furnished the City and its inhabitants, and the inspection and installation of meters registering the consumption of any commodity sold by any grantee operating under any franchise, grant or license from the City of Manistee of the State of Michigan. It being the intention of this section to provide means for securing to the City efficient service from all public utilities operated in the City and the proper observance by such operators of the conditions imposed by their respective franchises, Ordinances and the Laws of the State.

Sec. 16. The City may purchase or condemn the franchises and property used in the operation, by companies or individuals, engaged in hospital, electric light, gas, heat or power business, also the franchises and property of street railway and tram railway companies. The City may make a contract, upon such terms, including terms of present or deferred payment or by the issuance of bonds in payment therefor, as herein provided, and upon such conditions and in such manner as the municipality may deem proper, to purchase, operate and maintain any existing public utility property supplying heat, light, power or transportation to the City and the inhabitants thereof.

Sec. 17. No such contract shall bind the municipality unless the proposition therefor shall receive the affirmative vote of three-fifths of the electors voting thereon at a Regular or Special Municipal Election. In the event of the purchase of a transportation utility the Commission may, within a reasonable time, establish a system of civil service for selection and retention of employees.

Sec. 18. To acquire, construct, own, operate or maintain any such public utilities authorized in this article, the City may issue its mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law and subject only to the conditions and limitations now or hereafter contained in the Constitution and Laws of this State and this Charter.

Sec. 19. The Commission, by Ordinance, shall prescribe, or the people, by Ordinance, duly initiated and approved under the provisions of this Charter, may prescribe the procedure to acquire or construct any public utility.

ARTICLE XII

EDUCATION

Sec. 1. The City shall constitute and be a single school district as heretofore organized and existing under the name of the "School District of the City of Manistee," which shall be a body corporate for school purposes and for all matters pertaining to the Public Schools of the City. It shall be governed by and subject to the Laws of the State of Michigan.

Sec. 2. The said school district for election purposes shall be divided into three (3) election districts as follows: the First and Second Districts of the City shall be the School Election District No. One (1); the Third and Fourth Districts of the City shall be School Election District No. Two (2) and the Fifth, Sixth and Seventh Districts of the City shall be School Election District No. Three (3).

Sec. 3. The Board of Education shall have power to change the boundaries of any School Election District or Districts, and to increase or diminish the number thereof, but no such change shall be made within sixty (60) days next preceeding any school election, and a report of each change so made shall be made by the Board of Education to the City Commission, showing the boundaries of the Districts so changed, and the Board of Education shall cause said report to be published in one or more of the newspapers published in the City within one week after the making of such change and for three (3) weeks in succession. The original report shall be filed by the City Clerk in his office.

ARTICLE XIII
POLICE DEPARTMENT

Sec. 1. The Commission shall maintain a Police Force for the protection of the persons and property of the inhabitants of the City and others temporarily therein, and for the good government thereof. They shall have authority in cases of emergency and danger to authorize the Mayor of the City to appoint, temporarily, such number of policemen in addition to the regular Police Force as in the judgment of such Mayor the particular occasion may require:

Sec. 2. The Mayor of the City shall, by and with the consent of the Commission, appoint a Chief of Police who shall appoint additional police officers from time to time as may be necessary or required, with the consent of the Commission.

Sec. 3. The Chief of Police shall at all times be subject to the Mayor and Commission, and shall have the direction of the Police Force of the City in the performance of their duties.

Sec. 4. It shall be the duty of the Police Force of the City to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice; to apprehend upon view any person found in the act of committing any offense against the Laws of the State or violating the ordinances of the City or any provisions of this Charter, or in any manner involving the breach of the peace, and to take the offender so arrested before the proper magistrate or officer to be punished; to make complaints before the proper magistrate of any person known to them to be guilty of crime or any violation of the Laws of the State, the Ordinances of this City, or in the provisions of this Charter; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required of them by the Commission for the good government of the City. It shall be the duty of the Police Force of the City to see that all Ordinances and regulations of the Commission made for the preservation of quiet and good order and for the safety and protection of the inhabitants of the City, are promptly enforced. For the preservation of quiet and good order, and as peace officers, each policeman shall be and is hereby vested within the limits of said City, with all the powers conferred by law upon sheriffs for the preservation of quiet and good order, and shall have and are hereby vested with all the powers given by law to constables for such purposes. Such police officers shall have power to serve and execute all processes directed or delivered to them in all proceedings for violations of the Ordinances of the City.

Sec. 5. The Chief of Police shall keep a record of all arrests and the cause thereof in a book known as "Record of Arrests" and shall enter therein within twenty-four hours (24) after any person shall be arrested, the name, age, nationality and cause of arrest of the person so arrested, which record shall be the property of the City.

Sec. 6. The Commission shall make all necessary rules for the government of the police and prescribe the powers and duties of the police. The Commission shall have authority to vest the police with such powers as may be necessary for the preservation of quiet and good order within the City.

ARTICLE XIV
FIRE SERVICE DEPARTMENT

Sec. 1. The Commission shall maintain an efficient fire force, shall prescribe the powers and duties of its officers, firemen and employees and shall make rules and regulations for the government of the same. It shall provide necessary apparatus and equipment and shall make provisions for a suitable and adequate supply of water for the use of the Department in the extinguishment of fires.

Sec. 2. The Mayor of the City shall by and with the consent of the

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Commission appoint a Chief of the Fire Department and such additional number of firemen from time to time as the Commission shall by proper Ordinance or Resolution direct to be appointed. He shall in the same manner to fill all vacancies that may occur from time to time.

Sec. 3. The Chief of the Fire Department shall at all times be subject to the direction of the Mayor and Commission and shall, subject to the control of the Commission, have the supervision and direction of the Fire Department and all firemen or other employees thereof, and the care and management of fire engines, apparatus and other property belonging thereto.

Sec. 4. The Chief of the Fire Department or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the preservation of life or property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor.

Sec. 5. The Chief of the Fire Department or other officer in charge of the Fire Department, at any fire, with the concurrence of the Mayor, or any two (2) members of the Commission other than the Mayor, may cause any building to be pulled down or destroyed when deemed necessary to arrest the progress of a fire. Whenever any building is so pulled down or destroyed any person having an interest in such buildings may within six (6) months thereafter, present his claim for damages to the Commission of said City, and it shall thereupon be the duty of the Commission to pay such claimant such damages as may be just under all the circumstances; taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the Commission and such claimant shall not be able to agree upon the amount of damage to be paid such claimant, then the amount of such damage shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of a jury to appraise damages for taking private property for public use. Such jury shall view the premises and shall hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be empaneled as above provided, until a jury has been obtained that shall agree, and the Commission shall pay such claimant the amount of damages fixed by such jury, from which findings there shall be no appeal either by the City or by claimant.

Sec. 6. The Commission may provide by Ordinance for the examination from time to time by members of the Fire Service of the stoves, furnaces and heating apparatus and devices of every kind in all dwellings, buildings and structures within the City, and in all places where combustible or explosive substances are kept and to cause all such as are unsafe with respect to fire, to be put in a safe condition.

Sec. 7. The Commission may prescribe by Ordinance, the limits of districts within which wooden buildings and structures of any highly inflammable material shall not be erected or enlarged, and to direct the manner of constructing buildings within such district with respect to protection against fire and the material of which the outer walls and roof shall be constructed.

Sec. 8. The Commission may also prescribe by Ordinance the limits or districts within which shall be prohibited the location of shops, the prosecution of any trade or business, the storing of lumber, wood or other easily inflammable material in open places or the carrying on of any other trade, business or occupation or the storing of any material in any manner or other circumstance, which in the opinion of the Commission, may increase the danger from fire.

Sec. 9. The Commission shall by Ordinance regulate the storing of dynamite, gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings, and may pass and enforce such ordinances and regulations as they may deem necessary with relation thereto for the prevention and suppression of fires.

Sec. 10. Every building or structure which may be erected, placed, enlarged or kept in violation of any provision of this Charter or of any Ordinance or regulation lawfully made for the prevention of fires, or any material which shall be stored or kept in violation of this Charter or of any Ordinance or regulation lawfully made for the prevention of fires, it is hereby declared to be a nuisance, and the same may be abated or removed by the direction of the Commission.

ARTICLE XV

MISCELLANEOUS PROVISIONS

Sec. 1. If any claim for unliquidated damages is made against City for injuries to persons or property by reason of defects in the sidewalks, streets, highways, crosswalks, bridges, alleys, courts, public grounds or public places in the City, or by reason of any negligence on the part of the City, or the City officials or its employees, in any public work in which it or they are engaged, or any claim is made against the City in an action of tort, the claimant in such cases shall present the same to the Commission within sixty (60) days after the injury or wrong occurred; such claim shall state the place where such injury or wrong was received, the names of claimant's witnesses concerning the same, then known to claimant, a description of the injury sustained, and a succinct statement of the facts constituting such claimant's demands against the City and any further statement required by the Commission. If said claim arises from injury received by reason of any defect in the sidewalks, streets, highways, bridges, alleys, courts, public grounds, or public works in which the City or its officials are engaged, the claimants who alleges injury thereon shall give notice to the City by a written statement filed with the City Clerk within ten (10) days of the time of said injury, specifying the location upon the street, alley, lane, highway, sidewalk, crosswalk, bridge, court, public place or public ground or public works where the same was received, and the general character of the alleged defect claimed to have caused the injury of the claimant; said preliminary notice not to take the place of the specific notice herein required to be filed within sixty (60) days. If required by the Commission or a committee thereof, said claimant shall produce his witnesses before said Commission or committee and they may be sworn and examined as to the nature of the claim, the amount thereof and the particular basis upon which they are made. The Commission or committee shall have power to subpoena witnesses for such hearing. Any such claim shall be void unless such claimant shall bring an action against the City for such demand within a period of one (1) year and after said Commission has had a reasonable time, not to exceed sixty (60) days, to investigate and pass upon such claim.

Sec. 2. It shall be a sufficient bar to any action or proceeding brought in any court for the recovery of such claim against the City that such claim has never been presented to the Commission, or notice thereof given either as to the time and place of injury or of the specific basis of the claim as provided for in the preceding section, within the time therein limited, or that the action or proceeding was brought before said Commission has such reasonable time to investigate and pass upon such claim as hereinbefore provided, or that such claimant did not produce his witnesses for examination upon claim made, as required by the preceding section, or that the action or proceeding was not brought within the period of one (1) year after the time elapsed for the Commission to investigate such claim as hereinbefore provided.

Sec. 3. If any contractor shall fail to maintain sufficient fence or protection guards to prevent damage or injury to persons or property, or shall be guilty of negligence in doing work under contract, and injury to persons or property shall occur by reason of such default or negligence, said contractor and his bondsmen shall be liable to the person injured in person or property, for the damage sustained, to be recovered with costs in the proper form of action in any court of competent jurisdiction. If any judgment be

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recovered against the City as defendant in any suit based upon such default or negligence, the City shall be subrogated to the rights of the plaintiff against such contractor or his bondsmen.

Sec. 4. Every contract to which the City is a party shall reserve to the City the right to determine finally all questions as to the proper performance of such contract, or any unfinished portion thereof, and, in case of the improper, dilatory or imperfect performance thereof, to suspend the work at any time and to order the partial or entire reconstruction of the same, and whenever from unreasonable delay in the work or for other just cause it shall deem such contract forfeited, to re-let the work covered by such contract, or any unfinished portion thereof, and power is hereby given the City to determine all such questions arising under any such contract according to the true intent and meaning thereof. Every contract shall also reserve to the City the right, when it shall become satisfied that the work provided for in any contract will not be completed within the time limited, to place additional men and teams on said work and supply additional material if necessary and render such assistance as it may deem advisable for the completion of such contract, and all cost and expense thereof shall be charged to the contractor and retained by the City out of the contract price.

Sec. 5. The Circuit Court for the County of Manistee shall have jurisdiction to try all cases under this Charter or the Ordinances, where the penalty for the offense charged exceeds a fine of One Hundred (\$100.00) Dollars or imprisonment for more than three (3) months, or both. Where the penalty for the offense charged does not exceed the amount of fine or imprisonment stated or both, the Justice Courts of the City shall have original jurisdiction. Appeals from Justice Courts to the said Circuit Court may be taken in like manner as provided by law for appeals from the Courts of Justices of the Peace in Townships.

Sec. 6. Whenever by the provisions of this Charter it becomes unlawful to do a certain act or it becomes the duty of some other person to perform some act; the doing of said unlawful act, or the failure to perform such duty, shall be deemed a misdemeanor and punishable by a fine not to exceed Five Hundred (\$500) Dollars or imprisonment for ninety (90) days or both, in the discretion of the Court. Said imprisonment may be in the County Jail or City Prison, or in any work-house in the State authorized by law to receive prisoners from this City.

Sec. 7. The time of the City shall be what is known as Standard Time and it shall not be changed except by Federal or State legislation or by a majority vote of the electors of the City.

Sec. 8. This Charter may be amended in accordance with the provisions of the General Laws of the State.

ARTICLE XVI

REORGANIZATION UNDER THIS CHARTER

Sec. 1. This proposed Charter shall be submitted to the electors of the City of Manistee for adoption or rejection, at a special election to be held at such date as the present Council shall, by resolution fix and determine, but same shall not be later than the third Monday in February, 1922.

Sec. 2. The notices of such election, the opportunities for the examination of this proposed Charter by electors and others interested, the form of ballots to be used, the conduct of the election, the canvass of the ballots cast, the declaration of the result of such election, and all other matters pertaining to such special election, shall be in accordance with the present Charter of the City of Manistee, and the General Laws of this State.

Sec. 3. If this proposed Charter be adopted by a majority of the votes cast at said special election, it shall forthwith become the Charter of the City of Manistee, and the present City Charter shall thereby become repealed and annulled.

Sec. 4. All Ordinances of the City, not inconsistent with this Charter, that have been or shall be adopted prior to the adoption of this Charter,

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shall remain in full force and effect, subject to repeal or amendment, the same to all intents and purposes, as if they had been adopted under this Charter.

Sec. 5. All appointive officers, agents and employees of the City, at the time this Charter is adopted, shall continue in the performance of their official duties until the City Commission shall otherwise direct.

Sec. 6. Each member of the present Board of Assessors shall continue to hold his office and perform the duties thereof until the expiration of the term for which he was elected and until his successor is elected and qualified, unless he shall resign or be lawfully removed from said office.

Sec. 7. The term of office of all members of the present City Council or Commission shall expire on the first secular day of May next after the adoption of this Charter. Provided that nothing in this Article shall be construed as preventing the nomination and election of any person as Commissioner who now holds such office, but such nomination and election shall be in accordance with the provisions and requirements of this Charter.



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